

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

vs.

22-CR-6009-CJS-MJP

JOHN LOONEY,

Defendant.

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**MOTION FOR EXTENTION OF TIME TO FILE OBJECTIONS TO  
MAGISTRATE'S REPORT AND RECOMMENDATION**

**COMES NOW** defendant, by counsel, James. A. Napier, Esq., and moves the Court for its Order extending the time within which defendant may file objections to the Report and Recommendation dated September 29, 2023 by United States Magistrate Judge, Mark W. Pedersen.

In support thereof, defendant states that:

1. The Report and Recommendation of the magistrate was provided to counsel on September 29, 2023, making objections to the Report and Recommendation initially due on or about October 13, 2023.
2. Counsel had been meeting with my client regularly and doing legal research regarding the Report and Recommendations. However, on November 17, 2023 while meeting in my office Mr. Looney may have suffered a stroke, as he lost the use of his legs while I was assisting him to exit my building. Mr. Looney and I work collaboratively and since that date we have only been able to meet at his home to

prepare our Objections. Mr. Looney has been obtaining significant medical assistance since the incident. Mr. Looney is not able to drive since November 17, 2023. I have repeatedly met with Mr. Looney at his home since that date, however, we cannot meet that long due to his medical condition. I have provided AUSA McGuire with a medical report regarding the incident and additional neurological and other medical appointments for this week of January 8, 2024, including a carotid artery exam and eye surgery and his wife was hospitalized with an apparent heart attack. I acknowledge all previous requests for extensions, yet I do fully expect this is a final request for adjournment and we are committed to submitting Objections on or before March 12, 2024. Mr. Looney's assistance to me is invaluable on the technical issues involved. Mr. Looney has had since November, 2023 and will have numerous medical appointments and tests.

3 This Court can see based on the length of the Report and Recommendation and the length of previous pleadings submitted to the Magistrate, and the multiple argument dates, the legal issues involved here are rather complicated.

4. The Court did grant a request for extension to file Objections to February 10, 2024.

5. AUSA Kyle Rossi, who has recently been assigned this case, has no objection to the March 12, 2024 extension request.

**WHEREFORE**, defendant move this Court for an Order extending the time within which he may file his objections to the Report and Recommendation of the Magistrate until March 12, 2024.

/s/ James A. Napier, Esq.  
James A. Napier, Esq.  
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TO: Kyle Rossi, AUSA

### **CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECT system which sent notification of such filing to all counsel of record.

/s/ James A. Napier, Esq.  
James A. Napier, Esq.  
Counsel for Defendant, John Looney